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SUBJECT: HCMC POLITICAL DISSIDENT LAWYER FACES POLICE HARASSMENT

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¶1. (SBU) Summary. In the last two weeks, the police have stepped up their questioning and harassment of Mr. Le Tran Luat, a HCMC-based human rights lawyer who has drawn attention for his efforts on behalf of various political dissidents and land-rights activists, including the Thai Hai parishioners in Hanoi. Actions against Mr. Luat include confiscating computer equipment, documents, and files on various political dissident and land dispute cases. Police have pressured Luat to drop his activism, to "correct" the record by stating publically that he misunderstood GVN policies, and to not meet with the U.S. Commission on International Religious Freedom delegation during their upcoming visit. This continues a pattern of harassment over the last several months, during which the police summoned clients from Luat's law firm for questioning, pressed them to discontinue working with Luat, and urged associates to accuse him of cheating in business deals. Finally, on March 25, authorities closed Luat's law firm. Luat is now unemployed and under constant police surveillance. Ambassador Michalak has raised concerns about Luat's situation with the GVN and we continue to follow his situation closely. End summary.

¶2. (SBU) On 29 April, 2009, Luat was summoned to a police "working session." During the interrogation, police asked Luat to drop his activism and to "correct" his previous public statements by admitting publically that he misunderstood GVN policies. Police told Luat that they wanted to take his computers. When he protested, the police continued the interrogation and later produced a search warrant, stating that they suspected Luat of keeping "documents against the state." The police then took Luat back to his home/office and invited local authorities to witness the search. The police confiscated three personal computers, a laptop, a printer, and a cell phone with internet access, along with boxes of documents and files on the various political dissident and land-dispute cases in which Luat had represented clients. These cases include those of internet writer Truong Minh Duc, political activist Pham Ba Hai, political activist Pham Thanh Nghien, and land-use activists from Hanoi's Thai Ha Catholic Parish. Luat had come under particular pressure recently for his activities on behalf of the Thai Ha parishioners and was prevented from traveling to the capital to represent them in their unsuccessful March 30 appeal. Police also scrutinized the firm's tax records for errors as far back as 2002. Luat received further summons from the police for questioning on May 4 and 5.

¶3. (SBU) Also on April 29, police questioned an associate from Luat's law firm, Ms. Ta Phong Tan, about her blog entries. Tan is a fellow member of the Freelance Journalism Club and shares an office with Luat. Police confiscated Tan's office computer and personal laptop after printing out a number of documents, identified by the police as "documents against the state." Police told her they intended to arrest Luat for "propagandizing against the state."

14. (SBU) These "working sessions" were repeated daily the week of May 4. Along with their usual line of questioning, the police also sought information on the purpose and content of a May 6 meeting between Luat, his Freelance Journalism Club associates, and representatives from the Swedish Embassy. His wife was also twice required to appear before the police, who criticized her for not being able to "rein in" her husband.

15. (SBU) During questioning on May 11, the police pressured Luat not to meet with the U.S. Commission on International Religious Freedom (USCIRF) delegation during their upcoming visit to Ho Chi Minh City, May 14-17, and issued summons for him to appear yet again on May 15 and 16. Luat lamented that he has to go once summoned, but confirmed that he still intends to meet with the delegation, although he may have to do so in the evening.

16. (SBU) Over the last several months, the police summoned 167 of the law firm's clients and examined agreements between the law firm and its clients, looking for faults. Luat reports that his clients have come to him reporting that the police encouraged them to accuse Luat of cheating in business deals. Further, clients report that the police attempted to pressure them not to pay pending fees to the law office. Only two clients complied with the police request. The HCMC Justice department closed Luat's law firm on March 25 for "violations" in conducting its activities. Although Luat's Bar membership is still valid, owing to the cancellation of his disciplinary hearing, he is now unemployed and under constant police surveillance.

17. (SBU) Ambassador Michalak raised concerns regarding Luat's treatment in a March 25 letter to Vice Minister of Public Security Nguyen Van Huong. Noting that Luat was being prevented from travelling to Hanoi to represent eight Thai Ha parishioners

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at their appeals trial, the Ambassador emphasized that "the United States believes that improving the protection of human rights, including the right to a fair trial, is in Vietnam's interests and will ultimately make the country stronger. I hope you would agree that the fairness of this trial, which has attracted widespread international attention, would be strengthened if the lawyer recognized by the court to represent the defendants is allowed to attend." Luat was not allowed to attend the trial.

18. (U) This cable was coordinated with Embassy Hanoi.
FAIRFAX